



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/061,318 04/16/98 BERGMAN

E 244/277

EXAMINER

IM22/0515

LYON & LYON LLP
633 W FIFTH ST., SUITE 4700
LOS ANGELES CA 90071-2066

STINSON, F

ART UNIT

PAPER NUMBER

1746

DATE MAILED:

05/15/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/061,318

Applicant(s)
BERGMAN ET AL.

Examiner
FRANKIE L. STINSON

Group Art Unit
1746



☐ Responsive to communication(s) filed on 3/27/2K

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 24-32, 35-42, and 45-86 is/are pending in the application.

Of the above, claim(s) 49-78 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 24-32, 35-42 AND 45-86 ARE is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 14

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1746

A. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

B. Claims 24-32 and 35-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over EPO'596 in view of Mashimo.

Re claims 24 and 39, EPO'596 is cited disclosing an apparatus for treating a workpiece comprising a liquid reservoir having a fluid path, a pump, nozzles, a fluid path and an ozone supply that differ from the claim only in the recitation of the ozone being injected into the fluid path. The patent to Mashimo cited disclosing in a cleaning system the arrangement of supplying to a workpiece a mixture of fluid and gas where the gas is injected into the fluid path. It therefore would have been obvious to one having ordinary skill in the art to modify the device of EPO'596 to have the gas injected into the fluid path as taught by Mashimo, for the purpose of ensuring that the gas and liquid are thoroughly mixed. Re claim 25-27 and 40-42, Mashimo discloses the mixer. Re claims 28-32, to have the fluid as claimed is deemed to be an obvious matter of design. Re claim 35, 45 EPO'596 inherently discloses the ozone generator. Re claim 46, EPO'596 discloses the chamber. Re claim 48, EPO'596 discloses the rotor.

C. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

Art Unit: 1746

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

D. Claims 79-84 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by EPO'596..

E. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Tanaka, Hasebe et al., Chao and Yoneda, note spraying means.

F. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frankie L. Stinson whose telephone number is (703) 308-0661. The examiner can normally be reached on M-F (1st week) from 8:30 am to 6:00 pm and T-F (2nd week) from 8:30 am to 5:30 pm.

The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7719.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Frankie L. Stinson

Primary Examiner

Group Art Unit 1746